THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22381 of 2006

Dated: 30-10-2006

Between:

Gattu China Venkateswarlu.

..... PETITIONER

AND

The Government of A.P., rep. by its Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22381 of 2006

ORDER:

This writ petition is filed challenging the order of respondent No.2 dated 15-05-2006, whereunder respondent No.2 allowed revision petition filed by respondent No.4 under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity).

The petitioner's father Gattu Narayana was joint owner of the land admeasuring Acs.23.36 guntas in survey Nos.385 and 386 situated at Usru Village, Thimmapur Gram Panchayat in Warangal District. After the death of his father, he succeeded the properties along with others. They filed an application under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317F before the District Revenue Officer(DRO) for rectification of the entries in the revenue records. By proceedings dated 16-02-2004, the said application was allowed and rectification was ordered. Thereafter they approached respondent No.3, namely, the Mandal Revenue Officer(MRO) and obtained pattadar pass books (PPBs) and title deeds under the Act. The petitioner allegedly sold an extent of Ac.1.03 guntas on 21-03-2005 under registered sale deed to one Palakurthy Naga Raju, who filed a suit, being O.S.No.253 of 2005 on the file of the Court of the Principal Senior Civil Judge, Warangal, against respondent No.4 and obtained *ad interim* injunction in I.A.No.598 of 2005. At that stage, respondent No.4 filed a revision petition before respondent No.2 under Section 9 of the Act. By order dated 08-02-2005, respondent No.2 suspended the proceedings of MRO granting PPBs to the petitioner. Aggrieved by the same, the petitioner and another filed W.P.No.3552 of 2005. This Court disposed of said writ petition on 29-09-2005 directing the Joint Collector, respondent No.2 herein, to dispose of the revision petition within a period of three weeks from the date of receipt of a copy of the said order. This Court also ordered *status quo* with regard to the entries in the revenue records. Thereafter, after giving an opportunity to the petitioner and respondent No.4, respondent No.2 passed the impugned order dated 15-05-2006.

The learned counsel for the petitioner submits that the revision petition filed by respondent No.4 under Section 9 of the Act without availing the remedy of appeal under Section 5-B of the Act before the Revenue Divisional Officer(RDO) is not maintainable. Secondly, it is alleged that unless and until the proceedings of DRO dated 16-02-2004 are set aside, the consequential PPBs could not have been nullified by the Revisional Authority. Thirdly, the learned counsel submits that till proper proceedings are issued by the District Collector permitting conversion of agricultural land into nonagricultural land, respondent

No.2 cannot assume that the lands are being used for nonagricultural purpose. These contentions are refuted by the learned Assistant Government Pleader for Revenue (General-T).

A perusal of the impugned order of the Joint Collector dated 15-05-2006 would show that, *inter alia,* the revision petition was allowed on the ground that respondent No.4 obtained lay out from Kakatiya Urban Development Authority(KUDA) and the land ceased to be agricultural land. When once the land ceases to be agricultural land, the Act has no application under the Act, PPBs/title deeds can be issued and record of rights maintained only in respect of the lands used for agriculture. The lands which are used for nonagricultural purpose do not come under the purview of the Act. This is well settled by reason of the decision of this Court in **Andhra Pradesh Panjabi Sabha, Hyderabad v. Joint Collector, Hyderabad**[1]. Secondly what was challenged in the revision petition is PPBs issued by MRO and therefore, exercise of Section 9 of the Act cannot be faulted. It may be noticed that as per Rule 3 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Rules, 1989(the Rules, for brevity), the entries made in PPBs do not form part of the record of rights. When DRO ordered rectification of the entries, the same was certainly outside the purview of the provisions of the Act and the Rules. The writ petition is devoid of any merit and is misconceived.

The writ petition is accordingly dismissed. No costs.

V.V.S.RAO, J

30th October, 2006
ghn

[1] 2004(5) ALD 644